

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TIMOTHY PURNELL THURSTON

Plaintiff

V.

Case No. 5:20cv2

JOHN OR JANE DOE OFFICERS
OF THE TEXARKANA, TEXAS POLICE
DEPARTMENT

Defendants.

ORDER

Plaintiff Timothy Thurston, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff was released from the Texas Department of Criminal Justice, Correctional Institutions Division on April 13, 2021. Since that date, he has not advised the Court or the Defendants of his current mailing address or present whereabouts, nor has he contacted the Court in any way.

On July 27, 2021, the Magistrate Judge issued a Report recommending the lawsuit be dismissed without prejudice for failure to prosecute, with the statute of limitations suspended for a period of 60 days after the date of entry of final judgment. Docket No. 48. A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but no objections have been received. Accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct.

See United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 48) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. It is further

ORDERED that the statute of limitations is suspended for a period of 60 days following the date of entry of final judgment. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 2nd day of September, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE